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Weinberg, Wheeler, Hudgins,
Gunn & Dial, LLC
6385 S. Rainbow Blvd., Suite 400
Las Vegas, NV 89118
Telephone: (702) 938-3838
Facsimile: (702) 938-3864

*Attorneys for Defendants
Rotex Transportation and Peter Geder*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JENNIFER FOY,

Plaintiff,

vs.

ROTEX TRANSPORTATION, INC.,
PETER GEDER and DOES I through,
inclusive,

Defendants.

Case No.: A-17-758338-C
Dept. No.: XXIV

**ROTEX TRANSPORTATION, INC.
AND PETER GEDER'S
NOTICE OF REMOVAL**

TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Defendants ROTEX TRANSPORTATION, INC. and PETER GEDER ("Defendants") hereby file this Notice of Removal pursuant to 28 U.S.C. §§ 1332, 1441, and 1446 in the United States District Court for the District Court of Nevada.

DATED this 21st day of August, 2017.

/s/ D. Lee Roberts, Jr.
D. Lee Roberts, Jr., Esq.
Timothy A. Mott, Esq.
Weinberg, Wheeler, Hudgins,
Gunn & Dial, LLC
6385 S. Rainbow Blvd., Suite 400
Las Vegas, NV 89118

*Attorneys for Defendants
Rotex Transportation and Peter Geder*

Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC
6385 S. Rainbow Boulevard, Suite 400
Las Vegas, Nevada 89118
(702) 938-3838

NOTICE OF REMOVAL OF ACTION

PLEASE TAKE NOTICE that Defendants ROTEX TRANSPORTATION, INC. and PETER GEDER remove this action from the Eighth Judicial District Court for Clark County, Nevada to the United States District Court for the District of Nevada. Federal jurisdiction exists over this proceeding pursuant to 28 U.S.C. §§ 1332, 1441, and 1446 because there is complete diversity and because the amount in controversy exceeds \$75,000. In support of removal, Defendants state:

BACKGROUND

1. Plaintiff alleges that she was injured in a collision with a truck owned by Defendant Rotex Transportation, Inc. ("Rotex") and operated by Defendant Peter Geder ("Geder"). Complaint ¶¶5-26.

2. This is an action alleging negligence.

3. Plaintiff alleges that Geder negligently operated the truck causing it to strike the rear of Plaintiff's vehicle on Interstate 80 within the territorial limits of the Informal Northern Division of the United States District Court for the District of Nevada ("Northern Division"). Plaintiff has also brought claims against Rotex for negligence and *respondeat superior*.

IDENTITIES OF PARTIES

4. On information and belief, Plaintiff Foy is a citizen of Nevada residing in Fernley, Nevada, within the territorial limits of the Northern Division.

5. Defendant Rotex is a California corporation, with its principal place of business in California.

6. Defendant Geder is a citizen of California.

TIMELINESS OF REMOVAL

7. The Plaintiff filed the Complaint in this matter on July 13, 2017, in the District Court of Clark County, Nevada.

8. Defendant Rotex was served with Plaintiff's complaint on August 1, 2017.

9. Defendant Geder was served with Plaintiff's complaint on July 31, 2017.

///

Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC
6385 S. Rainbow Boulevard, Suite 400
Las Vegas, Nevada 89118
(702) 938-3838

10. This notice of removal is timely filed within thirty (30) days after Geder's receipt of pleadings that provided evidence that this case was removable as required by 28 U.S.C. §1446(b).

DIVERSITY OF CITIZENSHIP EXISTS BETWEEN PROPERLY JOINED PARTIES

11. The Complaint alleges that Plaintiff Foy is a citizen of Nevada.

12. For the purposes of determining diversity, a corporation is deemed a citizen of both the state of its incorporation and the state where it has its principal place of business. *See* 28 U.S.C. § 1332(c)(1).

13. Rotex is a California corporation with its principal place of business in California.

14. Geder is a citizen of California residing in California

15. Complete diversity exists in this matter because Plaintiff Foy is a citizen of Nevada and none of the named Defendants are citizens of Nevada. 28 U.S.C. § 1332(a)(1).

AMOUNT IN CONTROVERSY

16. Plaintiff has alleged damages "in excess of" \$10,000.00. Complaint at *ad damnum*. The Nevada Rules of Civil Procedure prohibit the stating of a higher amount of damages in the Complaint. *See* N.R.C.P. Rule 8(a).

17. It is well-settled among Ninth Circuit courts that, where the amount in controversy is not specifically stated in an *ad damnum* clause, the defendant need only show by a preponderance of the evidence that the complaint alleges damages in excess of \$75,000. *See Singer v. State Farm Mut. Auto. Ins. Co.*, 116 F.3d 373, 375-76 (9th Cir. 1997).

18. Plaintiff Foy, through counsel, has made a written demand for damages well in excess of \$75,000.

19. "[A] removing defendant is not required to prove the amount in controversy beyond all doubt or to banish all uncertainty about it." *Pretka v. Kolter City Plaza II, Inc.*, 608 F.3d 744, 754 (11th Cir. 2010). The defendant merely needs to prove that it is more likely than not that the amount in controversy satisfies the jurisdictional amount. *See Sanchez v. Monumental Life Ins. Co.*, 102 F.3d 398, 404 (9th Cir. 1996).

20. Although Rotex and Geder deny liability for damages in excess of \$75,000 in this matter, it is their good-faith belief and estimate based on Plaintiff's demands that the amount in

1 controversy in this case exceeds \$75,000.00, exclusive of interest and costs. *See Rubel v. Pfizer*
 2 *Inc.*, 361 F. 3d 1016, 1020 (7th Cir. 2004) (“Removal is proper if the defendant’s estimate of the
 3 stakes is plausible”).

4 21. Based on the amount in controversy, removal is proper 28 U.S.C. 28 § 1332(a).

5 VENUE

6 22. Venue is appropriate in the Northern Division of this Court pursuant to the Local
 7 Rules of this Court.

8 23. The Eighth Judicial District Court, the state court in which this action was filed, lies
 9 within the district of the United States District Court where this Notice of Removal is filed.

10 24. Although the Eighth Judicial District Court lies in the Southern Division, venue is
 11 more appropriate in the Northern Division.

12 25. The matter of intra-district or divisional venue has been left to the local rules of the
 13 district courts. *VT Const., Inc. v. H2J Environmental, LLC*, 2014 WL 939291 (D. Nev. 2014) *citing*
 14 *Williams v. City of Cleveland*, 848 F.Supp.2d 646, 653 (N.D.Miss.2012); *Reyes v. JA & M*
 15 *Developing Corp.*, 2012 WL 3562024, *1 (S.D.Fla.2012); *Says v. MV David C Devall*, 161
 16 F.Supp.2d 752, 753 (S.D.Tex.2001) and *Borghi v. Purple Group, Inc.*, 2009 WL 1404752,*2
 17 (D.Virgin Islands 2009).

18 26. Local Rule (LR) IA 6–1 of the District of Nevada states that the State of Nevada
 19 constitutes one judicial district with two unofficial divisions, the Southern Division and the
 20 Northern Division. LR IA 8–1(a) states that a “[c]ivil action shall be filed in the Clerk’s office for
 21 the division of the Court in which the action allegedly arose.” This action arose on Interstate 80 in
 22 the Northern Division.

23 27. Although a plaintiff’s choice of forum is generally accorded substantial weight in the
 24 § 1404(a) analysis, it is entitled to less weight in this case because LR IA 8–1(a) directs that the
 25 action be filed in the division in which the action allegedly arose. *VT Const., Inc* at *5. The local
 26 rule thus evidences a preference that actions be filed in the division where relevant transactions or
 27 events occurred.

28 ///

WRITTEN NOTICE OF REMOVAL

28. Written notice of the filing of this NOTICE OF REMOVAL is concurrently being served on the Clerk of the District Court of Clark County, and Plaintiff's counsel, as required by 28 U.S.C. § 1446(d).

COPIES

29. Pursuant to 28 U.S.C. §1446(a), Defendant is required to attach copies of "all process, pleadings and orders served upon" Defendant in this action. Defendant attaches the following::

- a) Complaint and Demand for Jury Trial, Exhibit A;
- b) Initial Appearance Fee Disclosure, Exhibit B;
- c) Affidavit of Service Re Rotex Transportation, Inc., Exhibit C;
- d) Affidavit of Service Re Peter Geder, Exhibit D;
- e) Notice of Appearance, Exhibit E, and;
- f). Initial Appearance Fee Disclosure, Exhibit F.

CONCLUSION

WHEREFORE, Defendants pray for removal of the above-captioned matter to this Court, and respectfully requests that this Court assume jurisdiction of this lawsuit and take all such further action as deemed just and proper.

DATED this 21st day of August, 2017.

/s/ D. Lee Roberts, Jr.
D. Lee Roberts, Jr., Esq.
Timothy A. Mott, Esq.
Weinberg, Wheeler, Hudgins,
Gunn & Dial, LLC
6385 S. Rainbow Blvd., Suite 400
Las Vegas, NV 89118

*Attorneys for Defendants
Rotex Transportation and Peter Geder*

Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC
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Las Vegas, Nevada 89118
(702) 938-3838

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC, and that on the 21st day of August, 2017, the foregoing **ROTEX TRANSPORTATION, INC. AND PETER GEDER'S NOTICE OF REMOVAL** was served on the following person(s) by mailing a copy thereof, first class mail, postage prepaid, to the following:

Bruce D. Tingey, Esq.
(bruce@tingeylawfirm.com)
2001 W. Charleston Blvd.
Las Vegas, NV 89102

Attorney for Plaintiff
Jennifer Foy

/s/ Esther Ibarra

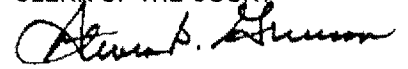
An employee of WEINBERG, WHEELER,
HUDGINS GUNN & DIAL, LLC

Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC
6385 S. Rainbow Boulevard, Suite 400
Las Vegas, Nevada 89118
(702) 938-3838

EXHIBIT A

EXHIBIT A

Electronically Filed
7/13/2017 11:11 AM
Steven D. Grierson
CLERK OF THE COURT



1. COMP
2. Bruce D. Tingey, Esq.
3. Nevada Bar No. 5151
4. Tingey & Tingey
5. 2001 W. Charleston Blvd.
6. Las Vegas, Nevada 89102
7. Telephone: (702) 333-0000
8. Facsimile: (702) 333-0001
9. bruce@tingeylawfirm.com
10. Attorney for Plaintiff

11. DISTRICT COURT
12. CLARK COUNTY, NEVADA

13. JENNIFER FOY,

Case No: A-17-758338-C

Dept No:

Department 24

14. Plaintiff,

15. vs.

16. ROTEX TRANSPORTATION, INC., PETER
17. GEDER and DOES I through X, inclusive,

18. Defendants.

19. COMPLAINT
20. AND DEMAND FOR JURY TRIAL
21. (Arbitration Exemption Claimed: Value in Excess of \$50,000.00)

22. COMES NOW plaintiff Jennifer Foy, by and through her attorney, Bruce D. Tingey, Esq. of
23. the law firm Tingey & Tingey, and for a cause of action against the defendants, and each of them,
24. for damages and injuries sustained on or about March 15, 2016, alleges, on information and
25. belief, as follows:

26. THE PARTIES

27. 1. At all times relevant, plaintiff Jennifer Foy is a resident of the State of Nevada.

28. 2. At all times relevant, defendant Rotex Transportation, Inc. is a business entity or
29. corporation headquartered in Sacramento, California and doing business in the State of Nevada.

30. 3. At all times relevant, defendant Peter Geder is a resident of the State of California.

4. The true names and capacities of defendants Doe I through X, inclusive, are unknown
at this time and may be individuals, partnerships or corporations. The plaintiff alleges that each
of the defendants designated herein as Doe defendant is responsible in some manner for the
damages as herein alleged and is further the agent, servant, master, employee or employer of one
another, and is operating within the course and scope of their duties or is otherwise established in

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LAW FIRM
2001 W. CHARLESTON BLVD.
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(702) 333-0000 / FAX: (702) 333-0001

another type of relationship that will support a finding of joint and several liability. The plaintiff requests leave of the court, if necessary, to amend the complaint to name the defendants specifically when their identities become known.

THE FACTS

5. On or about March 15, 2016, in the State of Nevada, defendant Peter Geder was operating a semi-truck with trailer that collided with a vehicle operated by plaintiff Jennifer Foy.

6. At all times relevant, defendant Peter Geder was acting within the course and scope of his employment with defendant Rotex Transportation, Inc. including his operation of a semi-truck that was owned by defendant Rotex Transportation, Inc.

7. More specifically, the collision occurred at or about 5:39 p.m. on Tuesday, March 15, 2016 on IR80 E approximately 0.2 miles west of MM48 in the State of Nevada.

8. At or about this time and location, plaintiff Jennifer Foy was operating a vehicle traveling eastbound on IR80.

9. At or about this same time and location, defendant Peter Geder was operating a semi-truck with trailer eastbound on IR80.

10. The collision occurred when defendant Peter Geder failed to safely operate his vehicle, causing the semi-truck to crash into the vehicle operated by plaintiff Jennifer Foy.

11. As a result of the collision, plaintiff Jennifer Foy was injured and suffered damages including special damages according to proof, along with general damages of pain and suffering.

CLAIMS FOR RELIEF

FIRST CAUSE OF ACTION: NEGLIGENCE (Against defendant Peter Geder)

12. The plaintiff incorporates herein by reference all allegations within this complaint and further alleges as follows:

13. At all times relevant, defendant Peter Geder owed a duty to the plaintiff, including a duty of due care, but breached that duty when the defendant operated a vehicle in such a negligent, reckless and careless manner so as to cause the collision described above.

TINGEY & TINGEY
LAW FIRM
2001 W. CHARLESTON BLVD.
LAS VEGAS, NEVADA 89102
(702) 333-0000 / FAX: (702) 333-0001

14. Further, at all times relevant, defendant Peter Geder violated the laws, statutes and ordinances that govern within the State of Nevada, including traffic laws. The plaintiff belonged to the class of persons the laws, statutes and ordinances were designed to protect. The defendant's violations of the laws, statutes and ordinances constitute negligence per se.

15. As a proximate cause of the negligence of defendant Peter Geder, the plaintiff was injured and damaged in a manner as alleged herein.

SECOND CAUSE OF ACTION: NEGLIGENCE (RESPONDEAT SUPERIOR)
(Against defendant Rotex Transportation, Inc.)

16. The plaintiff incorporates herein by reference all allegations within this complaint and further alleges as follows:

17. At all times relevant, defendant Peter Geder was acting within the course and scope of employment with defendant Rotex Transportation, Inc.

18. As such, defendant Rotex Transportation, Inc. is legally responsible (vicariously liable) for the negligent conduct of defendant Peter Geder as alleged herein.

19. As a proximate cause of the negligence of defendant Peter Geder, which is imputed to defendant Rotex Transportation, Inc., the plaintiff was injured and damaged.

THIRD CAUSE OF ACTION: NEGLIGENT HIRING/TRAINING/SUPERVISION
(Against defendant Rotex Transportation, Inc.)

20. The plaintiff incorporates herein by reference all allegations within this complaint and further alleges as follows:

21. At all times relevant, defendant Peter Geder was acting within the course and scope of employment with defendant Rotex Transportation, Inc.

22. At all times relevant, defendant Rotex Transportation, Inc. was negligent in the manner in which it hired, trained and supervised defendant Peter Geder.

23. As a result, defendant Peter Geder operated a vehicle in such a negligent, reckless and careless manner so as to cause it to collide into a vehicle operated by the plaintiff as alleged herein.

24. As a proximate cause of the negligence of defendant Rotex Transportation, Inc., the plaintiff was injured and damaged.

FOURTH CAUSE OF ACTION: NEGLIGENT ENTRUSTMENT
(Against defendant Rotex Transportation, Inc.)

25. The plaintiff incorporates herein by reference all allegations within this complaint and further alleges as follows:

26. At all times relevant, defendant Rotex Transportation, Inc. was the owner of the vehicle that defendant Peter Geder operated in the collision described herein.

27. In so entrusting the vehicle to defendant Peter Geder, defendant Rotex Transportation, Inc. was negligent in that it knew or should have known that defendant Peter Geder was an unsafe driver.

28. As a proximate cause of the negligence of defendant Rotex Transportation, Inc., the plaintiff was injured and damaged.

CAUSATION AND DAMAGES

29. The plaintiff incorporates herein by reference all allegations within this complaint and further alleges as follows:

30. As a direct and proximate result of all the foregoing, the plaintiff was injured in and about the spine, body, limbs, organs and systems, and was otherwise injured and caused to suffer great pain of body and mind, and some or all of the same are permanent and disabling conditions, all for the plaintiff's past and future general damages in excess of \$10,000.00.

31. As a further direct and proximate result of all the foregoing, the plaintiff was caused and will be caused to expend monies for medical care and expenses incidental thereto, in an amount according to proof.

32. As a further direct and proximate result of all the foregoing, the plaintiff was caused and will be caused to suffer a loss of income and an impairment of earning capacity, in an amount according to proof.

33. As a further direct and proximate result of all the foregoing, the plaintiff has suffered damages related to the property damage of a vehicle, including repairs, towing expenses, storage expenses, loss of use, a property damage deductible, rental costs, loss of value and other incidental damages, in an amount according to proof.

34. The plaintiff has been required to hire an attorney to prosecute this action and is entitled to reasonable attorney fees and cost of suit.

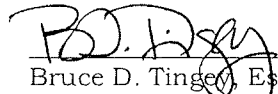
PRAYER FOR RELIEF

WHEREFORE, the plaintiff prays judgment against the defendants, and each of them, jointly and severally, as follows:

1. General damages in excess of \$10,000.00;
2. Damages for medical expenses in an amount according to proof;
3. Damages for loss of income in an amount according to proof;
4. Damages for property damage-related claims in an amount according to proof;
5. Reasonable attorney's fees and cost of suit; and
6. Any further relief which the court may deem just and proper in the premises.

Dated this 27th day of June 2017.

Tingey & Tingey



 Bruce D. Tingey, Esq.
 2001 W. Charleston Blvd.
 Las Vegas, Nevada 89102
 Attorney for Plaintiff

DEMAND FOR JURY TRIAL

FURTHER, the plaintiff hereby demands a JURY TRIAL of all of the issues in the above matter.

Dated this 27th day of June 2017.

Tingey & Tingey

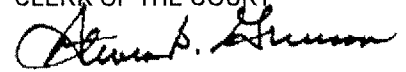

 Bruce D. Tingey, Esq.
 2001 W. Charleston Blvd.
 Las Vegas, Nevada 89102
 Attorney for Plaintiff

TINGEY & TINGEY
 LAW FIRM
 2001 W. CHARLESTON BLVD.
 LAS VEGAS, NEVADA 89102
 (702) 333-0000 / FAX: (702) 333-0001

EXHIBIT B

EXHIBIT B

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7/13/2017 11:11 AM
Steven D. Grierson
CLERK OF THE COURT



1. IAFD
Bruce D. Tingey, Esq.
2. Nevada Bar No. 5151
Tingey & Tingey
3. 2001 W. Charleston Blvd.
Las Vegas, Nevada 89102
4. Telephone: (702) 333-0000
Facsimile: (702) 333-0001
5. bruce@tingeylawfirm.com
Attorney for Plaintiff

6.
7. DISTRICT COURT
8. CLARK COUNTY, NEVADA

9. JENNIFER FOY,

Case No: A-17-758338-C

10. Plaintiff,
vs.

Dept No:

Department 24

11. ROTEX TRANSPORTATION, INC. and PETER
12. GEDER,

13. Defendants.

14. PLAINTIFF'S INITIAL APPEARANCE FEE DISCLOSURE

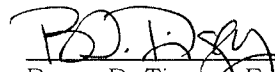
15. The filing fees are submitted for the plaintiff appearing in the above-entitled action is as
16. indicated below:

17. Jennifer Foy \$270.00

18. TOTAL REMITTED: \$270.00

19. Dated this 11th day of July 2017.

20. Tingey & Tingey

21. 

22. Bruce D. Tingey, Esq.
23. 2001 W. Charleston Blvd.
Las Vegas, Nevada 89102
24. Attorney for Plaintiff

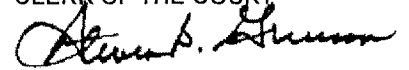
EXHIBIT C

EXHIBIT C

AFFT

Tingey & Tingey
 Bruce D. Tingey, Esq.
 2001 W. Charleston Blvd.
 Las Vegas, NV 89102
 State Bar No.: 005151
 Attorney(s) for: Plaintiff(s)

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 Steven D. Grierson
 CLERK OF THE COURT



DISTRICT COURT
 CLARK COUNTY, NEVADA

Case No.:

A-17-758338-C

Dept. No.: XXIV

Jennifer Foy

vs

Plaintiff(s)

Rotex Transportation, Inc.; et al.

Defendant(s)

Date:

Time:

AFFIDAVIT OF SERVICE

Jason Marshall, being duly sworn deposes and says: That at all times herein affiant was and is a citizen of the United States, over 18 years of age and not a party to or interested in the proceeding in which this affidavit is made. The affiant received 1 copy(ies) of the Summons: Complaint and Demand for Jury Trial on the 28th day of July, 2017 and served the same on the 2nd day of August, 2017 at 4:05 pm by serving the Defendant(s), Rotex Transportation Inc. by personally delivering and leaving a copy at Registered Agent, Diana Zhidovlenko, 9216 Kiefer Blvd., #6, Sacramento, CA 95826 with Diana Zhidovlenko as Registered Agent an agent lawfully designated by statute to accept service of process.

State of California, County of Placer
 Subscribed and sworn to (or affirmed) before
 me on the 10 day of August, 2017,
 by Jason Marshall,
 proved to me on the basis of satisfactory evidence to be
 the person(s) who appeared before me.
 Signature Steven D. Grierson

A notary public or other office completing this certificate verifies
 the identity of the individual who signed the document to which
 certificate is attached, and not the truthfulness, accuracy, or val
 of that document.

Affiant: Jason Marshall

WorkOrderNo 1705208



ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Placer

On August 10, 2017 before me, A. Cervantes-Brennan
(insert name and title of the officer)

personally appeared Jason Marshall
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is/are~~ subscribed to the within instrument and acknowledged to me that ~~he/she/they~~ executed the same in ~~his/her/their~~ authorized capacity(ies), and that by ~~his/her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature A. Cervantes-Brennan (Seal)

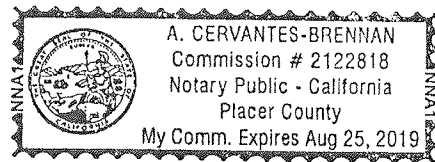


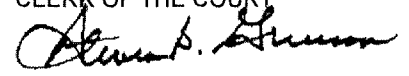
EXHIBIT D

EXHIBIT D

AFFT

Tingey & Tingey
 Bruce D. Tingey, Esq.
 2001 W. Charleston Blvd.
 Las Vegas, NV 89102
 State Bar No.: 005151
 Attorney(s) for: Plaintiff(s)

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 Steven D. Grierson
 CLERK OF THE COURT



DISTRICT COURT
 CLARK COUNTY, NEVADA

Case No.:
 A-17-758338-C

Jennifer Foy

vs

Plaintiff(s)

Dept. No.: XXIV

Rotex Transportation, Inc.; et al.

Defendant(s)

Date:
 Time:

AFFIDAVIT OF SERVICE

Jason M. Lund, being duly sworn deposes and says: That at all times herein affiant was and is a citizen of the United States, over 18 years of age and not a party to or interested in the proceeding in which this affidavit is made. The affiant received 1 copy(ies) of the Summons: Complaint and Demand for Jury Trial on the 28th day of July, 2017 and served the same on the 31st day of July, 2017 at 5:25 pm by serving to Defendant(s), Peter Geder by personally delivering and leaving a copy with Lilia Geder, Spouse, a person of suitable age and discretion residing at the Defendant(s)'s usual place of abode located at 8025 Gilardi Rd., Newcastle, CA 95658.

State of California, County of Placer
 Subscribed and sworn to (or affirmed) before
 me on the 7 day of August, 2017,
 by Jason Lund,
 proved to me on the basis of satisfactory evidence to be
 the person(s) who appeared before me.
 Signature Steven D. Grierson

A notary public or other office completing this certificate verifies
 the identity of the individual who signed the document to which
 certificate is attached, and not the truthfulness, accuracy, or val
 of that document.

Affiant: Jason M. Lund

WorkOrderNo 1705209



ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Placer)

On August 7, 2017 before me, A. Cervantes-Brennan
(insert name and title of the officer)

personally appeared Jason Lund,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature A. Cervantes-Brennan (Seal)

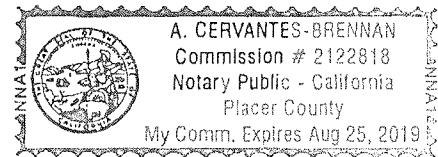
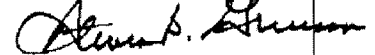


EXHIBIT E

EXHIBIT E

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8/21/2017 11:34 AM
Steven D. Grierson
CLERK OF THE COURT



NOTA

D. Lee Roberts, Jr., Esq.

Nevada Bar No. 8877

lroberts@wwhgd.com

Timothy A. Mott, Esq.

Nevada Bar No. 12828

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Weinberg, Wheeler, Hudgins,

Gunn & Dial, LLC

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Las Vegas, NV 89118

Telephone: (702) 938-3838

Facsimile: (702) 938-3864

Attorneys for Defendants

Rotex Transportation and Peter Geder

DISTRICT COURT

CLARK COUNTY, NEVADA

JENNIFER FOY,

Plaintiff,

vs.

ROTEX TRANSPORTATION, INC.,
PETER GEDER and DOES I through,
inclusive,

Defendants.

Case No.: A-17-758338-C

Dept. No.: XXIV

NOTICE OF APPEARANCE

PLEASE TAKE NOTICE that D. Lee Roberts, Jr., Esq., and Timothy A. Mott, Esq. of the law firm of WEINBERG, WHEELER, HUDGINS, GUNN & DIAL, LLC, 6385 S. Rainbow Blvd., Suite 400, Las Vegas, Nevada 89118, will appear as counsel for Defendants Rotex Transportation and Peter Geder.

DATED this 21st day of August, 2017.

/s/ D. Lee Roberts, Jr.

D. Lee Roberts, Jr., Esq.

Timothy A. Mott, Esq.

Weinberg, Wheeler, Hudgins,

Gunn & Dial, LLC

6385 S. Rainbow Blvd., Suite 400

Las Vegas, NV 89118

Attorneys for Defendants

Rotex Transportation and Peter Geder

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CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of August, 2017, a true and correct copy of the foregoing **NOTICE OF APPEARANCE** was electronically filed and served on counsel through the Court's electronic service system pursuant to Administrative Order 14-2 and N.E.F.C.R. 9, via the electronic mail addresses noted below, unless service by another method is stated or noted:

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Attorney for Plaintiff
Jennifer Foy

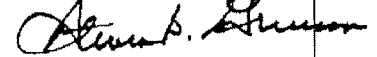
/s/ Esther Ibarra

An employee of WEINBERG, WHEELER,
HUDGINS GUNN & DIAL, LLC

EXHIBIT F

EXHIBIT F

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Attorneys for Defendants

Rotex Transportation and Peter Geder

DISTRICT COURT

CLARK COUNTY, NEVADA

JENNIFER FOY,

Plaintiff,

vs.

ROTEX TRANSPORTATION, INC.,
PETER GEDER and DOES 1 through, inclusive,

Defendants.

Case No.: A-17-758338-C

Dept. No.: XXIV

**INITIAL APPEARANCE FEE
DISCLOSURE
(NRS CHAPTER 19)**

Pursuant to NRCP Chapter 19, as amended by Senate Bill 106, filing fees are submitted for parties appearing in the above entitled action as indicated below:

Defendant, Motor Coach Industries, Inc. \$ 223.00

Defendant, Peter Geder \$ 30.00

TOTAL REMITTED: \$ 253.00

DATED this 21st day of August, 2017.

/s/ D. Lee Roberts, Jr.

D. Lee Roberts, Jr., Esq.

Timothy A. Mott, Esq.

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CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of August, 2017, a true and correct copy of the foregoing **INITIAL APPEARANCE FEE DISCLOSURE (NRS CHAPTER 19)** was electronically filed and served on counsel through the Court's electronic service system pursuant to Administrative Order 14-2 and N.E.F.C.R. 9, via the electronic mail addresses noted below, unless service by another method is stated or noted:

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